

REMARKS

Claims 11-19, 40-48, and 50-53 are pending. Claims 11-19, 40-48 and 50-53 stand rejected. By virtue of this response, no claims have been cancelled, amended, or added. Accordingly, claims 11-19, 40-48, and 50-53 are currently under consideration.

For the Examiner's convenience, Applicants' remarks are presented in the same order in which they were raised in the Office Action.

Double Patenting

Claims 11-19, 40-48, and 50-53 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 70-78, 81, and 108 of copending Application No. 09/935,462 in view of USPN 5,466,319 to Zager et al.

Applicants note that Application No. 09/935,462 is now abandoned. Accordingly, the rejection is moot.

Claim Rejections under 35 USC §103

Claims 11-19, 40-48, and 50-53 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Application Publication No. 2003/0044576 A1 to Dhar et al. in view of USPN 5,466,319 to Zager et al.

As stated in the Office Action, U.S. Patent Application Publication No. 2003/0044576 (Application No. 09/935,462) constitutes prior art under U.S.C. § 102(e). Pursuant to 35 U.S.C. § 103(c) (see also, MPEP §§ 706.02(I)(1) and 706.02(I)(2)), Applicants submit that the present application (serial no. 10/043,939) and U.S. Patent application No. 09/935,462 were, at the time of the invention of the present application was made, owned by or subject to assignment to InPhase Technologies, Inc. Accordingly, U.S. Patent application No. 09/935,462 is disqualified as prior art and the rejection should be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 495812001900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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